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Chair: Ms. Waterval (*Rapporteur*)

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In the absence of Mr. Iwasawa, Ms. Waterval (Rapporteur) took the Chair.

The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Sixth periodic report of Hungary (*continued*) (CCPR/C/HUN/6; CCPR/C/HUN/QPR/6)

1. *At the invitation of the Chair, the delegation of Hungary took places at the Committee table.*

2. **Mr. Kecsmár** (Hungary), resuming his delegation's replies to the questions raised at the previous meeting, said that his country had been the first member State of the European Union to transpose Directive 2012/29/EU, establishing minimum standards on the rights, support and protection of victims of crime, into national law. It had also assumed the leadership of the European Network for Victims' Rights.

3. **Ms. Váradi** (Hungary) said that a qualified majority of two thirds was required to pass or amend cardinal acts, including those pertaining to human rights and State institutions. The constitutionality of cardinal acts could be assessed by the Constitutional Court. The expedited legislative procedure was subject to several qualitative and quantitative restrictions. Proceedings could be brought before the Constitutional Court if the legislator failed to comply with the relevant substantive or procedural requirements.

4. The Commissioner for Fundamental Rights monitored the respect of fundamental rights by public administration bodies, notaries and other authorities. It produced reports and issued recommendations to those authorities. The Equal Treatment Authority, meanwhile, investigated cases of discrimination in all sectors and imposed penalties if necessary.

5. **Mr. Mészáros** (Hungary) said that the Equal Treatment Act had been amended in 2017 to prevent discrimination on the basis of ethnic origin and to raise the quality of minority education. Measures had been taken to address segregation in mainstream education and to develop quality inclusive education. A project had been launched in 2017 to support 300 schools where there was a high risk of dropout. Anti-segregation working groups had been set up in all educational districts.

6. In order to ensure that Roma students were not wrongly diagnosed with disabilities, new diagnosis procedures and protocols had been introduced. An early warning and pedagogical support system had been launched in November 2016 to combat school dropout. A programme to reduce dropout among Roma girls had been implemented between 2016 and 2017.

7. Measures had been taken to integrate persons living in extreme poverty into the world of work, through public work schemes and training programmes. The risk of poverty among Roma had fallen by 7.2 per cent between 2015 and 2016. An anti-segregation round table, composed of around 20 professionals from a range of sectors, worked with members of NGOs to develop measures to eliminate segregation.

8. Schools were required by law to prevent and punish bullying of lesbian, gay, bisexual, transgender and intersex persons. Awareness-raising on that issue had been conducted. The biology textbooks mentioned by the Committee were not on the official list of public school textbooks and were no longer used in schools.

9. The deinstitutionalization of children with disabilities was a priority under the new draft strategy on deinstitutionalization. Two psychosocial care homes had been converted into supported housing thus far. The percentage of children with disabilities in specialized foster care had risen from 44 per cent in 2011 to 58 per cent in 2017.

10. Domestic law had been amended in 2004 to prohibit forced sterilization. There had been no cases of forced sterilization in the past five years. Health-care providers were monitored to ensure that full and informed consent was sought before sterilization procedures were performed and penalties were imposed for breaches of the law.

11. **Ms. Nagygyőr** (Hungary) said that the police had been issued a handbook on hate crime. A working group had been established to monitor the investigation of hate crimes. It had been mandated to draw up a protocol for the investigation of such crimes by December 2018. It had also cooperated with NGOs to establish a list of indicators that could be used to identify hate crimes. The civil society initiative to combat ethnic profiling had been rejected because the police were already required to perform their duties without discrimination.

12. **Mr. Tallódi** (Hungary) said that the three judgments handed down by the European Court of Human Rights on the issue of hate crime had concerned the failure to convict the alleged perpetrators of hate crime offences. The incidents in question were isolated cases. Once the judgments had been properly analysed, appropriate measures would be taken.

13. **Mr Shany** said that he had been surprised to hear that the public reaction to the proposal to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence had been negative. He would like to know which sectors of the population had responded negatively to the proposal and why.

14. The Committee acknowledged that the Government had been elected to implement policies that reflected the preferences of the Hungarian people. However, its role as a treaty body was to review the implementation of an international instrument to which Hungary was a party, in order to ensure that the State remained faithful to its international obligations.

15. He would like to know what measures were being taken to reduce homelessness, especially in Budapest. The national policy on that issue had been declared unconstitutional by the Constitutional Court, yet the Government had bypassed the Court's ruling, under the fourth amendment to the Fundamental Law. Homeless persons were removed from certain areas, including much of Budapest, which, as a World Heritage Site, was considered a protected area. They were fined or, if they were unable to pay, imprisoned. No alternative solutions, such as shelters, had been provided for such persons.

16. He would appreciate more information on the treatment of asylum seekers, especially the travel restrictions mentioned in paragraph 26 of the list of issues. The Committee was not challenging the Government's right to set its own immigration policy; however, the State party needed to be able to show that the use of force against migrants by law enforcement officers was appropriate and necessary. It was not clear how the State party's policies, such as the requirement that police officers push back asylum seekers who were apprehended within 8 km of the border, could be reconciled with its duty to consider asylum applications.

17. He would like to know the outcome of the investigation into the death of a Syrian migrant who had drowned near the border with Serbia in June 2016. He would also welcome information on the number of cases of rough treatment of migrants by law enforcement officers that had been reported and investigated.

18. Lastly, he asked whether it was true that the State party admitted only five asylum seekers from the transit zones into its territory per day and what changes would be made to the administration of transit zones in the light of the decision handed down by the European Court of Human Rights in the case *Ilias and Ahmed v. Hungary*.

19. **Ms. Kran** said that she would like to know what steps were being taken to prevent law enforcement officers from using excessive force in the early stages of investigations; whether there were plans to ensure that video recordings were made of all interrogations; whether detainees were informed about how they could file complaints against law enforcement officers; and how often such complaints were lodged by detainees prior to their release. She wondered what offences were considered to constitute abuse of authority and what sanctions were imposed on officers who had used excessive force against detainees.

20. Noting that very few complaints of ill-treatment resulted in conviction and that convicted officers were able to remain in their position, she asked what measures had been taken to increase the rate of conviction in such cases and to avoid sending the message that

ill-treatment went unpunished. She would also like to know what remedies had been provided to detainees who had suffered ill-treatment.

21. She enquired what measures were being taken to prevent excessive use of force against migrants by law enforcement officers and whether the State party had considered implementing a monitoring and training programme for officers working at the border.

22. She asked whether the investigatory and appeal powers of the Independent Police Complaints Board had changed since 2013 and if not, whether the State party had considered granting the Board stronger powers. She wondered what steps had been taken to address obstacles to the collection of evidence of ill-treatment in prisons and to ensure that detainees who filed complaints were protected from retaliation. In some cases, medical examinations of detainees took place in the presence of officers who had been accused of ill-treatment against them. She would like to know whether there were plans to prohibit that practice, which was incompatible with article 9 of the Covenant. The Committee recommended introducing an approach whereby the presence of law enforcement officers during medical examinations was the exception rather than the rule.

23. She wondered how the practice of notifying a relative or third party within 24 hours of a person's arrest was compatible with article 9 of the Covenant. She also wished to know what amendments were being made to the Criminal Procedure Code to reduce the use of pretrial detention and to ensure that alternatives to pretrial detention were considered; what safeguards were in place to ensure that juveniles were placed in pretrial detention only as a last resort; and what steps were being taken to avoid a retributive approach to juvenile justice, in accordance with international standards.

24. She would be interested to know how many detainees in the Special Security Regime Units remained under the "stringent custodial regime", which the European Court of Human Rights (ECHR) had ruled was in violation of the European Convention on Human Rights. She understood that, following the ruling, the authorities had introduced the right of appeal but she would also like to know if any other steps had been taken to improve the conditions and practices that had led to the violation, and whether the regime was now in line with article 7 of the Covenant.

25. **Ms. Brands Kehris** said that she would appreciate further information about the capacity and effectiveness of the national preventive mechanism, particularly as it did not appear to have visited many detention centres. She still wished to know whether the provision regarding "any other status" contained in article XV of the Basic Law was an effective way of dealing with multiple intersectoral discrimination. In that connection, the delegation should also provide examples of relevant case law. Did the prohibition of discrimination on grounds of sexual orientation also cover employment, especially in the private sector? The delegation should explain whether anti-hate crime provisions specifically mentioned grounds of sexual orientation and gender identity and, if not, whether the Government was envisaging any amendments to make such grounds explicit. She would be interested to learn how the constitutional definition of marriage as a union between a man and a woman was compatible with the prohibition of discrimination on grounds of sexual orientation.

26. Although there appeared to be a commendable downward trend in cases where failure to pay a fine led to detention, the figures for such cases remained high. She hoped the delegation could provide updated statistics and explain if the drop was due to specific targeted measures. Were any additional measures being planned; for example, the conversion of non-payment of a fine into an obligation to perform community service? Were such alternatives also available to poorer persons? She wished to know if there were any plans to amend the law so as to eliminate altogether the provision whereby the non-payment of a fine could lead to detention. The delegation should also provide more general statistics on the application of alternatives to imprisonment for misdemeanours and indicate what proportion of overall misdemeanour cases they represented.

27. She would be interested to hear what the delegation had to say about recent amendments to asylum legislation under which monthly cash allowances and school enrolment benefits were no longer available to asylum seekers, a support scheme to facilitate integration had been terminated and other services for refugees had been cut back,

including a reduction in the period of eligibility for basic health services to just six months. She would like to know how those amendments had affected asylum seekers and refugees, and if any further changes to asylum legislation had been introduced or were being planned.

28. She wished to know whether persons over the age of 14 were automatically detained upon applying for asylum in the transit zones and, if so, how such a procedure complied with article 9 of the Covenant. According to the State party, the Asylum Act did not provide any remedies against a decision ordering asylum detention, although the person concerned could file an objection before a local court. The Committee would be interested to know about the legal basis for that provision and whether it was also applied in the transit zones, and to learn about any cases in which the courts had effectively overturned a decision. The State party should provide updated statistics on the detention of asylum seekers, including numbers of detainees and average and maximum length of detention, also in the transit zones. The delegation should also comment on recent reports that, following the suspension of safeguards, a number of families with small children had been detained inside the transit zones for as long as nine months, and unaccompanied minors for as long as three months.

29. The last proposal to the Asylum, Migration and Integration Fund of the European Commission in respect of the State party's migration strategy 2014–2020 had apparently been made in December 2017. However, the Committee had heard that, in January 2018, the Government had withdrawn the proposal regarding a number of areas, including integration services for unaccompanied minors and social assistance. In the light of that information, could the delegation explain how integration and housing services were to be secured for the beneficiaries of the migration strategy and how those services would be funded? She would also appreciate updated information on the current status of the strategy and any plans for future actions. The delegation should also provide updated statistics on the number of persons being held in detention facilities, including temporary facilities.

30. In the light of "shortcomings" in respect of material conditions, also for young children, in immigration and asylum detention centres, which had been reported by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following its 2015 visit to Hungary, she hoped the delegation could explain what steps had been taken to improve those conditions. Could the delegation provide information on material conditions and services in the transit zones, which had also been reported as being poor and inadequate? What measures were taken to ensure that all persons in the transit zones had adequate protection against inhumane and degrading treatment?

31. **Mr. Ben Achour** said that he was concerned about the use of solitary confinement as a disciplinary measure in prisons, particularly with regard to minors. Could the delegation confirm that the maximum duration of solitary confinement for juveniles was 10 days? It was important, moreover, that any decision to keep an inmate in solitary confinement should be subject to appeal. Following a judgment emitted by ECHR in October 2014, Hungary had amended its domestic legislation to allow prisoners serving life sentences to file a request for clemency before the President of the Republic. However, in October 2016, ECHR had ruled that the new legislation still failed to fulfil the obligations of Hungary under the European Convention on Human Rights. In particular, the Court had expressed concern about the requirement to serve 40 years before being allowed to access the clemency procedure, and about the fact that the decision was left entirely to the discretion of the President of the Republic, who was under no requirement to justify his or her decision. In the light of that latest Court ruling, he wished to know whether the Government had any plans to further reconsider its legislation in regard of clemency for prisoners serving life sentences, in order finally to bring it into line with article 3 of the European Convention on Human Rights, which was equivalent to article 7 of the Covenant.

32. **Mr. Politi** said that he would be interested to hear more about the investigation into alleged human rights violations at the Topház Special Home and the "deficiencies" that had been uncovered there. He would also appreciate more detailed information about reports according to which the Commissioner for Fundamental Rights had found that children with psychological disabilities had been subjected to various forms of abuse at the Zita Special Children's Home and the Károlyi István Children's Centre.

33. He wished to know to what extent the action plan that had been introduced following the ECHR judgment in the case of *Varga and others v. Hungary* (14097/12) had been effective in reducing prison overcrowding. He hoped the delegation could provide statistics on the total number of persons held in detention over the previous five years and the average rate of overcrowding in the penitentiary system, also with regard to persons being held in pretrial detention. According to information available to the Committee, the number of pretrial detainees had been increasing steadily since 2013 and currently represented one third of the entire prison population.

34. The ECHR judgment had also drawn attention to conditions inside Hungarian prisons, in particular to poor sanitary facilities, and he would like to know what measures the authorities were contemplating to address that problem. What average space per person was available in Hungarian institutions for the deprivation of liberty? He hoped that the delegation could provide details and statistics on any non-custodial measures available, including the frequency with which accused persons were granted bail or held under house arrest. Had probation supervision helped to reduce the risk of recidivism and, if so, to what extent?

35. He understood that unaccompanied minors seeking asylum who were unable to provide documentary proof of their date of birth were held in detention and subjected to a medical examination to determine their age. In that context, he wished to know how many asylum seekers whom examination had shown to be minors had been held in detention alongside adults and, once their age had been established, how long it had taken to relocate them. How did the State party deal with cases in which the medical examination did not lead to a clear assessment of a person's age? Moreover, the Committee had received information that the age determination process was insufficient and inaccurate, and appeared to be confined merely to physical observation. He hoped the delegation could provide more information in that regard, including any operating procedures and quality standards that were applied. He was particularly concerned about allegations regarding perfunctory age assessment examinations performed by military doctors in the transit zones.

36. The delegation should go into more detail about the judicial review procedures available to unaccompanied child migrants with regard to age assessment. It was not clear how such a review could be requested, who undertook it and whether any decision made could be appealed. He also wished to know if applicants had the right to receive free legal representation and to appoint their own medical experts. According to the Committee's current understanding, only the final decision on an asylum application could be challenged before a judge, not interim decisions. What psychological services were available to unaccompanied minors during and after the asylum procedure?

37. **Ms. Jelić** said that she would be interested to hear more about the structure of the Media Council. How independent was it and what democratic criteria were applied in the selection of its five members? She also wished to know how often the Council had exercised its prerogative to take action against media organizations, including delivering warnings, imposing fines and revoking licences. The State party's response on defamation was unsatisfactory and she wished to know if any changes in that regard had been made since the periodic report had been submitted.

38. She was concerned about continuing government rhetoric and action aimed against civil society. In particular, she was alarmed about the way non-governmental organizations (NGOs) that accepted foreign funding were being treated, and the repercussions such treatment could have for freedom of association and expression. She was also concerned that a 2017 law affecting those NGOs had been adopted despite objections from the Council of Europe and the United Nations. She hoped the delegation could inform the Committee about the status of a petition for the annulment of the law filed by a group of NGOs before the Constitutional Court.

39. A further cause for concern had emerged in January 2018, when a raft of bills had been proposed under the justification of stopping irregular migration, protecting borders and safeguarding national security. In fact, those measures seemed to be part of an escalating crackdown against activist groups, human rights defenders and other organizations and individuals critical of government policy. If adopted, they risked further

endangering vital public debate on sensitive issues such as migration. She hoped the State party would take account of the concerns expressed by the international community, repeal the 2017 law and withdraw the proposed bills.

40. Lastly, she hoped the delegation could elaborate on any steps being taken to promote a pluralistic democratic environment in which civil society could operate freely and safely, and inform the Committee about any measures to prevent attacks and delegitimization campaigns against individuals and organizations critical of the Government.

41. **Mr. Heyns** said the Committee was concerned that the Higher Education Act specifically targeted the Central European University. Reports suggested that amendments to the Act had been fast-tracked in 2017; contained stringent new requirements for universities, including requiring an official agreement between the United States of America and Hungary and work permits for non-European Union academic staff; and effectively provided the Government with the ability to control and close down the activities of the University. Moreover, it appeared that an agreement had been drafted and signed by the relevant authorities in the United States but not by the Hungarian Government, adding to the uncertainty surrounding the University's future. Many of the actions being taken against the University had consequences not only for the enjoyment of the right to education but also for academic freedom, freedom of expression and space for civil society, values protected by the Covenant and by the State party's Fundamental Law. He wished to know whether it was the State party's intention to close the University and, if so, how that was considered to be compatible with the provisions of the Covenant. If the University's closure was not on the agenda, he wondered what the purpose of the law was and when the Government intended to sign the agreement with the United States.

42. **Ms. Cleveland**, while thanking the delegation for the responses provided, said that her specific questions remained unanswered. In particular, she would be interested to hear the delegation's comments on reports that a number of bills proposed by members of parliament had been adopted following an expedited legislative process, which had not allowed opportunity for robust parliamentary debate or adequate engagement with civil society and the general public. Indeed, similar concerns had been expressed by the European Commission for Democracy through Law (Venice Commission) and by the International Bar Association. In that light, she reiterated her question: what measures did the State party intend to take to ensure that all legislative and constitutional reform was undertaken through an inclusive process that allowed for the meaningful contribution of experts, civil society and the general public?

The meeting was suspended at 11.30 a.m. and resumed at 11.50 a.m.

43. **Mr. Kecsmár** (Hungary) said that he had been assured that fines were not imposed on homeless people who were sleeping rough. The 2013 amendment to the Fundamental Law, aimed at preventing persons from sleeping rough in certain public spaces, had been introduced in full compliance with the principles of necessity and proportionality and to achieve a legitimate aim. Moreover, there were sufficient spaces in homeless shelters for people who needed them; in many cases, however, homeless persons did not use them.

44. Regarding border procedures, he wished to point out that, while many of the questions raised by Committee members had referred to the so-called detention of asylum seekers, in no circumstances, either in law or in practice, were people detained in transit zones. In fact, not only were persons not detained in the transit zones but they were also able to leave to enter Serbia at any time they so wished. Hungarian legislation was fully in line not only with its international commitments but also with European Union regulations and directives. In fact, the judgment of the European Court of Human Rights in the case of *Ilias and Ahmed v. Hungary* ran contrary to European law, which provided that asylum procedures at the border were permissible and did not require entry to the territory. For that reason, that judgment was by no means final, since the Government had applied to have the decision reconsidered by the Grand Chamber. That referral application had been accepted, which indicated that there were sufficient reasons for the Grand Chamber to be convened, and was set to be heard on 18 April 2018. Lastly, the Government was aware of the ECHR ruling in relation to legislation introduced for the purpose of reviewing whole life sentences and was considering how to introduce changes that would make that law compliant.

45. **Ms. Lévai** (Hungary) said the fact that the Government had signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) demonstrated how seriously the principles of that instrument were taken. In fact, many of those principles were already integrated into the Hungarian legal system. For instance, the Criminal Code and the Code of Criminal Procedure provided adequate protection for victims of the offence of domestic violence. Consultations regarding ratification of the Istanbul Convention were ongoing; however, responses from various stakeholders suggested that public opinion on the issue was divided. Further consideration was therefore required before the Government could proceed to ratification.

46. **Ms. Tóth** (Hungary) said that the Hungarian legislation was fully in line with article 9 of the Covenant, which did not set a maximum time frame for pretrial detention. While it was possible for the courts to prolong pretrial detention for more than four years, such a measure was taken only in the most serious cases. Pretrial detention was considered to be a measure of last resort that was taken only if other less restrictive measures were not appropriate. For example, it could be used to prevent recidivism or interference with a criminal investigation, but only if those aims would not be achieved through other means. Moreover, pretrial detention of juveniles was an extraordinary measure taken only when the young person concerned had committed an extremely serious offence. In such cases, the courts were required to take into account a broad range of factors, including the age of the accused and his or her personal circumstances and criminal background, before ordering pretrial detention. Decisions on the pretrial detention of a juvenile could not be taken without the presence of defence counsel, and the court considered the gravity of the offence and the juvenile's profile when deciding where such detention should be carried out. Various alternatives to pretrial detention were also available, including the use of electronic surveillance devices and restraining orders. The latter measure could be ordered to prevent the intimidation of a victim or witness. Recent changes to the Code of Criminal procedure had significantly increased the period for which restraining orders could be imposed. In some cases, they remained in place until the completion of the related criminal proceedings.

47. The Criminal Code contained provisions that identified certain population groups at greater risk of hate crimes based on, among other grounds, sexual identity or sexual orientation; however, the list was not intended to be exhaustive. Any acts constituting hate crimes that were committed against any group of persons sharing similar traits or views, such as language or political ideology, were considered to be offences. The existence of those provisions had not therefore hindered the prosecution of such cases.

48. Lastly, regarding prison overcrowding, various preventive measures had been taken to tackle the problem. For instance, persons deprived of their liberty were able to file complaints with the prison governor, who was required to take steps to improve the conditions of detention for the person concerned, including by moving him or her to a new cell, granting additional time out of the cell or even arranging a transfer to a different institution. A compensation procedure had also been introduced for persons who had suffered injuries as a result of overcrowding.

49. **Mr. Somogyvári** (Hungary) said that, regarding prison overcrowding, an action plan had been devised to ensure that the country met its international obligations in terms of creating sufficient living space for inmates. An additional 1,400 spaces had been created in places of deprivation of liberty, and the Government had launched a similar expansion programme in 2016. Other measures to reduce overcrowding included the introduction of a home detention curfew scheme, known as reintegration custody, which allowed detainees with a good record of behaviour to serve out the final portion of their detention at home while wearing an electronic tagging device. As at February 2018, there were, on average, around 370 offenders who had been released under those conditions, up from just 50 persons in January 2015, and there were plans to further increase those numbers. In addition, the prison service closely monitored population levels in prisons and transferred detainees to less overcrowded prisons as necessary. As a result of implementing such measures, the prison occupancy rate had decreased from just over 140 per cent to just under 130 per cent in 2017 and it was realistically hoped that it would be reduced to 100 per cent by 2019.

50. Contrary to the information provided by Mr. Politi, the number of pretrial detainees had, in fact, steadily decreased. In 2015, some 4,400 persons had been held in pretrial detention, whereas, at March 2018, there were fewer than 3,800 pretrial detainees. The number of juveniles in pretrial detention had also been reduced. Regarding access to health and sanitary living conditions for persons deprived of liberty, a project had been launched in 2017 to ensure that adequate facilities, including separate toilets, were available. Prisons had been required to take steps, by the end of March 2018, to ensure that prisoners had sufficient privacy between toilets and the living areas of cells. In that connection, cells were decontaminated on a quarterly basis to reduce and eliminate the presence of bedbugs. Prisoners were also able to submit complaints, which would require the prison to take immediate action in that regard.

51. **Mr. Tallódi** (Hungary) said that it was worth pointing out that, in the *Ilias and Ahmed v. Hungary* case, the European Court of Human Rights had found that the transit zones were not in violation of article 3 of the European Convention on Human Rights. Regarding the *Domján v. Hungary* case, on detention conditions in Hungarian prisons, the Court had also been satisfied that a new law, which had entered into force in 2017 with the aim of introducing preventive and compensatory remedies in cases of inadequate conditions of detention, provided for genuine and effective redress and met the criteria set down in the pilot judgment of *Vargas and Others v. Hungary*. The Court further ruled that, since the new remedies were considered to be effective, the applicant in the *Domján v. Hungary* case, and all others in his position, must use those available remedies, namely by filing a complaint about conditions of detention or an application for compensation for conditions of detention violating fundamental rights.

52. **Mr. Mészáros** (Hungary) said that deficiencies had been highlighted with respect to certain child protection institutions. Proposals to address those shortcomings and introduce appropriate regulations had been submitted and the Government was committed to taking comprehensive measures in that regard. To that end, a working group had been created, comprising representatives of government ministries, child protection services and the public prosecution service, as well as the Commissioner for Fundamental Rights and various child protection experts, for the purpose of reviewing the current regulations and taking into account good practices sourced from the international community.

53. The situation at the Topház Special Home for persons with disabilities had been thoroughly investigated. Immediate action had been taken to ban new admissions, hire additional staff and refurbish parts of the facility. Efforts had also been made to reduce the number of persons per room, separate adults from minors and train staff in the proper restraint techniques. Moreover, a complaints procedure had been introduced for residents.

54. **Mr. Kecsmár** (Hungary) said that the Media Council was independent and its members were appointed in a transparent manner. In order to qualify as a member of the Council, candidates must be eligible to run for public office, have no criminal convictions, hold a university degree and have considerable work experience in the fields of media and communication. Once appointed to the Council, members were held accountable for their actions by the Parliament. The Media Act provided that broadcasting licences be granted for a duration of up to seven years, with the possibility of extending the licence for an additional five-year period. That represented a reasonably long period of time. The Media Council had imposed fines on broadcasters in a handful of cases, mainly in response to the use of language that incited hatred. Detailed information on the number of sanctions handed down by the Council between 2008 and 2010 would be provided to the Committee in writing within 48 hours.

55. **Ms. Varga** (Hungary) said that legislation banning persons from sleeping on the streets had been designed to help the homeless and encourage them to move into the numerous, readily available shelters across the country. Such an approach, including the issuing of fines, had proved extremely successful and had prevented the death and suffering of countless homeless people during the recent harsh winter. Police officers played a key role in identifying homeless persons and ensuring that they received appropriate care.

56. **Mr. Szijjártó** (Hungary) said that his Government viewed migration as a dangerous phenomenon that must be stopped and it firmly rejected the idea that migrants brought

beneficial skills to their host country. In 2014, two thirds of the population had re-elected the ruling party on the basis of its national security manifesto. It would be anti-democratic to ignore their express wish to safeguard the Hungarian borders. The Government would therefore maintain its strict migration policy and would not allow migrants to transit through the country in order to reach the destination of their choosing.

57. Hungary was not exceptional in wanting to control its own migration policy: a country's ability to protect its borders was a vital element of national sovereignty. Moreover, the Government would be failing in its obligations to protect the European Union's external borders were it to allow migrants free passage. It would therefore continue to combat irregular migration and impose strict penalties on persons entering the country without the proper authorization. Tear gas had been used on a few occasions by police officers manning the borders as a measure of last resort following hours of being attacked with stones, bottles and concrete blocks thrown by migrants.

58. It was wholly legitimate to request that NGOs publish their financial accounts. Out of 61,000 civil society organizations operating in the country, only one or two had submitted complaints to the Committee in that connection. The fact that those organizations did not want to declare their funding sources was highly suspicious and implied that they had something to hide. The Government had the right to expect transparency from NGOs, particularly those wishing to influence public opinion.

59. The amendments to the Higher Education Act had been designed to remove special privileges and create a level playing field for higher education institutions. It provided that foreign universities wishing to operate in Hungary must sign an intergovernmental agreement and have at least one campus in the country in which they were based. Out of 20 foreign universities, only 1 had submitted a complaint to the Committee in respect of the amended Act. Since the university in question did not have a campus in its own country, the Government would not allow it to operate in Hungary.

60. **Mr. Shany** stressed that the Covenant guaranteed the civil and political rights of all persons. It did not oblige Hungary to adopt a specific type of migration policy. The Government must however uphold the principle of non-refoulement and investigate any cases involving the excessive use of force against migrants by law enforcement officers. In that connection, he requested further clarification of the new regulations extending border controls to an 8-kilometre zone within Hungary, which gave police officers the right to escort migrants found in that area to the border. Information about the measures in place to process asylum applications and uphold the principle of non-refoulement would also be welcome in that regard. Lastly, he wished to know more about the "Stop Soros" package of bills designed to impose, inter alia, a 25 per cent tax on foreign donations to NGOs supporting migration. He would particularly like additional information on the introduction of restraining orders aimed at preventing persons who supported migration or who provided assistance to migrants from approaching the country's border.

61. **Mr. Heyns** noted that the democratic will of the population did not override the State party's obligation to give effect to the provisions of the Covenant.

62. **Mr. Politi** echoed the comments on migration made by Mr. Shany and said that he would appreciate a written reply to his questions concerning the efforts made to conduct a comprehensive age assessment of unaccompanied migrant children upon their arrival at the Hungarian border and the steps taken to ensure that they had access to free legal representation and medical assistance.

63. **Mr. Szijjártó** (Hungary) said that his delegation had taken note of the Committee's questions, and would submit additional written replies within 48 hours.

64. **The Chair** thanked the delegation for its willingness to engage in a constructive dialogue with the Committee and for its candid replies to the questions posed by Committee members.

The meeting rose at 1 p.m.